

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION,
STATE OF CALIFORNIA, STATE OF
COLORADO, STATE OF ILLINOIS,
STATE OF INDIANA, STATE OF IOWA,
STATE OF MINNESOTA, STATE OF
NEBRASKA, STATE OF OREGON,
STATE OF TENNESSEE, STATE OF
TEXAS, STATE OF WASHINGTON, and
STATE OF WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,
SYNGENTA CORPORATION,
SYNGENTA CROP PROTECTION, LLC,
and CORTEVA, INC.,

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**PLAINTIFFS' MOTION TO
COMPEL DISCOVERY OF
SYNGENTA DEFENDANTS**

Pursuant to Federal Rule of Civil Procedure 37 and Local Rule 37.1, Plaintiffs move to compel Syngenta Crop Protection AG, Syngenta Corporation, and Syngenta Crop Protection, LLC (collectively "Syngenta") (1) to produce files from Syngenta Crop Protection AG; (2) to run appropriate search terms to capture documents related to Syngenta's "Key AI" loyalty program and its crop protection product business generally; (3) to make an appropriate production of data related to Syngenta active ingredients ("AIs") other than azoxystrobin, mesotrione, and metolachlor; and (4) to search the custodial files of one additional U.S.-based custodian for responsive documents. The

grounds for Plaintiffs' motion are set forth in the contemporaneously filed memorandum of law in support of this motion. Undersigned counsel includes a certificate of good faith conference and attempts to resolve this matter, in compliance with Local Rule 37.1(a).

Dated: June 25, 2024

Respectfully submitted,

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CERTIFICATE OF CONSULTATION

I hereby certify pursuant to Local Rule 37.1(d) that after personal consultation and diligent attempts to resolve differences the parties are unable to reach agreement on the issues subject to this motion. The parties conferred via video conference on May 29, June 11, June 20, and June 24, 2024. Participating attorneys for Plaintiffs have included Philip Kehl, Allyson Maltas, Joseph Baker, and Michael Turner. Participating attorneys for Syngenta have included Ben Miller, James McClammy, Patrick Kane, and Daniel Thompson.

On May 29, 2024, the parties discussed Syngenta's objections and responses to the RFPs, and Plaintiffs sought to clarify those objections. On June 11, 2024, Plaintiffs offered compromise positions on certain disputed issues. On June 20, 2024, and June 24, 2024, the parties continued to discuss the disputed issues and compromise positions from each party, and the parties reached agreement on a number of these disputed issues.

The parties also repeatedly conferred via letter and email in an effort to resolve these issues.

Dated: June 25, 2024

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